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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**

10 The Church of the Eagle and the Condor, et
11 al,
12 Plaintiffs,
13 v.

14 Merrick Garland, Attorney General of the
United States, et al,
15 Defendants.
16 _____/

Case No.: CV-22-01004-PHX-SRB

**Declaration of Belinda P. Eriacho in
Support of Plaintiffs' Opposition to
Defendants' Motion to Dismiss**

Judge: Honorable Susan R. Bolton

17 I, Belinda P. Eriacho, do hereby declare:

18 The following facts are based upon my personal knowledge, and if called as a witness, I could
19 and would competently testify under oath as to the facts set forth herein.

20 1. Yá'át'ééh shik'éeí dóó shine'é. Shí éí Belinda Eriacho yinishyé. Honágháanii nish i.
21 Naasht'ézhí 'e i ba shi shchi i n. Dibé ishiní 'e i dashicheii. Naasht'ézhí 'e i dashina li.
22 Ákót'éego diné asdzáán nish í. (Translated: it is good, my family and my relatives. I am
23 called Belinda Eriacho. I am One-Who-Walks-Around born for the Zuni people. My
24 maternal grandparent is of the Black Sheep clan. My paternal grandparents are the Zuni
25 people. In this way, I am a Diné woman).

26 2. I am a Diné (Navajo) and A:shwii (Zuni), woman, born from strong and resilient
27 ancestors. I am the legacy of my ancestors who have been on Turtle Island (also known as the

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1 United States) for millennia.

2 3. I was the first generation college graduate in my family; the value of higher education
3 was instilled in me at an early age by my elders. I am known as a person living in “two-
4 worlds” (the Native American and the Western societies) or in the Western perspective,
5 a “contemporary urban Native American.” The spiritual belief of my ancestors was practiced
6 seven-days a week, 24-hours a day. This was instilled in me as a young child by my
7 grandparents, parents, and other elders.

8 4. I am the daughter of a Diné mother, a single parent who worked in realty for the U.S.
9 government. My A:shwii father enlisted in U.S. Army in 1946 to serve the United States in
10 World War II and worked as a heavy equipment operator.

11 5. I am the granddaughter of traditional Diné maternal grandparents who were sheep
12 ranchers, farmers, and who lived off the land. My cheí (maternal grandfather) was a railroad
13 worker who helped to build the Burlington Northern Santa Fe railroad in the 1950’s in New
14 Mexico. My shima saní (maternal grandmother) was a homemaker and weaver of Navajo rugs.
15 She was also the heir to ancestral lands which were eventually sold as part of the Indian
16 Removal Act when she was moved onto the Navajo reservation.

17 6. I am also the granddaughter of traditional A:shwii (Zuni) grandparents raised in the
18 traditions and ceremonies of their ancestors before them, whose origin can be traced back to
19 the Grand Canyon in Arizona and to the Anasazi culture. My Zuni ancestors believed that
20 the land was their church, where the mesas were their altar, and a spring of water was a sacred
21 alcove used in ceremony. The religion of my ancestors was practiced as a way of life. My
22 naña (my paternal grandfather), Leoplodo Jesus Eriacho, was the Governor of the Zuni Pueblo
23 in 1933, and between 1947-1951. He helped the Zuni people to retain a part of their ancestral
24 homelands (known as the Middle Place of the World, where all six directions converge, north,
25 south, east, west, zenith, and nadir) as part of the Zuni Land Claims. Each of the sacred
26 directions is associated with a color, plants, seasons, animals, and religious organizations. My
27 paternal grandmother was a homemaker. Both were also sheep and cattle ranchers in New

1 Mexico.

2 7. I am the legacy and the great-granddaughter of a Diné Long-Walk survivor, Bezh-de-
3 bah (One-Who-Rides with the Warriors). The “Long Walk” was the forced removal of the
4 Navajo people to Fort Sumner, New Mexico in 1864. At the age of one, her and her father
5 walked approximately 300 miles after being captured and taken to Fort Sumner (known as
6 Hwéeldi, “the place of death” to the Diné) by the U.S. Calvary, as part of the U.S. federal
7 government’s removal policy. After, they were released, only then to walk another 300 miles
8 back to Diné Bikéyah, the traditional homelands of the Diné.

9 8. I am the great-granddaughter of a Yaqui youth, Jesus Leopoldo Eriacho, who left his
10 homeland of Sonora, Mexico as an adolescent with his family to flee being captured by the
11 Spanish Conquistadors. On the journey through the Sierra Madres, his family was killed,
12 leaving him and his cousin orphaned. Both were captured and enslaved by the Apache. Later
13 he managed to flee to the lands of the A:shwii. He was then adopted into the Zuni tribe and
14 later became the Governor of the Zuni people in 1891 and 1907. These homelands were that
15 same ones that in 1540, the first Spanish explorers led by Francisco Vásquez de Coronado
16 searched known as the Seven Cities of Cibola (the Seven Cities of Gold).

17 9. Today I am a sister, aunt, grandmother, and great grandmother, as well as an elder,
18 healer, and leader in my communities. I am a bridge builder of cultures. I am the legacy of
19 the Eagle and the Condor. My ancestral lineages and cultures have always been tied to the
20 earth and the universe.

21 10. From a Western perspective, I am an urban Native American woman who resides in
22 Tempe, Arizona. I was born on the Navajo reservation in a small town called Window Rock,
23 Arizona. I left the reservation in 1980 to pursue my academic career at Arizona State
24 University, in Tempe, Arizona. Academically, I hold a Bachelor of Science from Arizona
25 State University, a Masters of Public Health from the University of Hawaii, and Masters in
26 Technology from Arizona State University.

27 11. I am a member of the board of directors for the Church of the Eagle and the Condor

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1 (CEC). My relationship with this community began in 2017 and in ceremony on February 10,
2 2018, as part of an Ayahuasca ceremony and a desire to build a spiritual community. The
3 Church of the Eagle and the Condor was formally organized as a nonprofit Public Benefit
4 Corporation and as a church in the State of Arizona on August 31, 2018, through the Arizona
5 Corporation Commission.

6 12. As a community, CEC is committed to the practice and service that cultivates unity,
7 community, and a connection with Creator through our sacramental use of Ayahuasca. The
8 foundation of our Church is based on the following values: reciprocity, right relationship,
9 communalism, social equity, justice, and by honoring the sacredness of the Nahasdzáán Shíma
10 (Mother Earth).

11 13. Our church is made up of sisters and brothers from all walks of life, diverse cultures
12 with a common interest of ceremony, service, and the walk with Spirit, the One Creator. This
13 extends to being in right relationship, i.e. having a shared understanding of our
14 interconnectedness to the universe, referred to by my elder as "Universal Ke'," a concept of
15 family and relatives. This also refers to the interconnectedness to human and other-than-human
16 beings, such as plants, animals, rivers, mountains, wind, etc. We welcome diversity of
17 ancestry, as it is called out in fulfillment of the Prophecy of the Eagle and the Condor through
18 the unification of humanity. Since 2017, we have gathered for prayers, community socials,
19 ceremonies (coming of age ceremonies), talking circles, community service, and sweat lodges.
20 The Prophecy has guided our community to form a cosmological innerstanding of the role of
21 Creator, the honoring of all life, and the preservation of culture. We are guided by the
22 ancestral traditions of the Diné (Navajo), the Quechuan, and the Shipibo.

23 14. As a child, I was brought up attending the St. Michaels Catholic Church, located in St.
24 Michaels, Arizona, on the Navajo reservation. I never fully acknowledged the beliefs in the
25 Holy Trinity and the four dogmas of the faith, as those beliefs always seemed foreign to me.
26 My belief in God as a child was the visual image of an old white, bearded man sitting in a large
27 chair somewhere "up there." As I grew older, I became disillusioned and disenfranchised by

1 the conflicting messages of the dogma and the wrongful actions of harm caused by pastoral
2 members of the clergy within the Catholic Church. It was then that I left the Catholic Church
3 in search of the right religion for me. It was in the traditions of my ancestors that I found
4 solace. As a child and youngster, I did not realize that the religion of my an ancestors was
5 based on the earth-based wisdoms in natural alignment with our Creator. In my adult life I
6 returned to the original teachings and belief systems of the Diné (Navajo) and the A:shwii
7 (Zuni) rooted in the cosmology of the One Divine Creator.

8 15. Since the arrival and colonization of my peoples, our way of worship has always been
9 met with skepticism. For over 200 years we were not able to worship as my ancestors once
10 did. Even today, in 2022, my ability to worship freely has been scrutinized once again. Our
11 freedom as the original people of this land has been hindered, contrary to natural law and the
12 order of the universe. This effort to receive legal recognition of our church to use ayahuasca
13 as our sacrament is a step towards freedom to practice our religion, bringing order back into
14 balance by recognizing the rights of our community to pray in peace. It is my prayer that this
15 recognition will bring us closer to that natural equilibrium of life and unity as prophesied. It
16 is also my prayer that this recognition will brings us closer to a world where our children and
17 grandchildren will no longer need to fight for the right to worship in the manner we are called
18 to by Creator.

19 16. As a Native American woman of Turtle Island, our lifeways of seeing the world are
20 based upon our interconnection to the land of our ancestors, ceremonies, and our dependence
21 on the nature, all of which are expressions of Spirit. I was called by Shima saní azééd
22 (Grandmother medicine, Grandmother Ayahuasca or the Spirit of Ayahuasca) in 2018. That
23 ceremony was the first time that I have experienced this sacred plant and the spirit it held. I
24 use the term grandmother out of respect for this sacred spiritual being. The word “sacred” is
25 a way to describe the sources of life and ways of knowledge in our native communities, seen
26 or unseen. By sitting with grandmother ayahuasca in ceremonies I’ve deepened by relationship
27 with the Divine. Knowing that the Divine is a part of me, and I am a part of the Divine. As

1 a Native American person of Turtle Island (also known as the Americas) our lifeways of seeing
2 the world are based upon our interconnection to the land of our ancestors, ceremonies, and our
3 dependence on nature. All are expression of Spirit. Through these and other experiences I have
4 deepened my relationship with the Divine and my higher self.

5 17. I believe the CEC community has come together through spiritual serendipity and that
6 the sacrament of ayahuasca – our holy sacrament – is a gift that brings us to know Creator and
7 in fulfillment of the Prophecy. Ayahuasca is the catalyst in the great re-membling of our role
8 in bringing mankind together, and it is the restoration of harmony and the opening of our
9 hearts. Ceremony with this holy sacrament has awakened my divinity, healed by soul and
10 strengthened my belief in a Supreme Creator and a communion with the Divine. In my view,
11 Grandmother (Ayahuasca) is both a sacrament and a Spiritual teacher of life. She knows no
12 boundaries, is a gift to all of humanity, and always knows exactly what we need. It is through
13 Ayahuasca that I have had many spiritual experiences with the Divine, my higher self, the love
14 for humanity, and my connectedness with the Universe. It has strengthened my spiritual walk
15 and to be of service to others.

16 18. I have concerns about my continued use of our sacred sacrament Ayahuasca. My
17 concern about the continued use of Ayahuasca are related to the potential legal ramifications,
18 including arrest and incarceration, if my use continues. My concern has been heightened by the
19 confiscation of our sacrament by the U.S. Border Patrol, and the disregard of Grandmother
20 Ayahuasca through the destruction process used. Grandmother Ayahuasca is a sentient being
21 with a Spirit. The confiscation and destruction of our sacrament made me ask the following
22 questions: what agency of the federal government would confiscate and destroy the blessed
23 sacrament or eucharist of the Catholic Church? Likely none, although this is exactly what has
24 occurred with our sacrament.

25 19. Confiscation of our sacrament threatens the CEC's ability to perform necessary
26 ceremonial services. Despite the continuing threat of fines or prosecution the Church continues
27 to import our sacrament and I continue to practice my beliefs and my connection to the Divine.

1 20. Due to my concern and the stress of the potential ramifications, I continue to have
2 concerns about partaking in the sacrament for fear that I will get a knock on my door by law
3 enforcement during ceremony or because of my practice. I fear how a prosecution could
4 impact my ability to provide for my family, negatively impact my reputation, and disrupt my
5 community work and other opportunities. I have current chronic health conditions and am
6 concerned that criminal prosecution would exacerbate my health conditions and caused undue
7 financial burden.

8 21. I am aware of the history of past seizures, prosecutions, and enforcements related to
9 ayahuasca in other communities, as well as the federal government's collaboration with State
10 and local law enforcement authorities, including a recent prosecution here in Arizona of
11 members from another community. This history increases my fear of a raid, arrest, prosecution,
12 seizure, or forfeiture of property that could affect my life, family, community, and work. The
13 confiscation that specifically targeted the CEC increased those concerns. Without the guidance
14 of the sacrament, there is a potential that I will lose focus on my purpose in life and my
15 connection to Creator.

16 22. It is my prayer that the Court will assist in the bringing restoration and clarify our right
17 to practice our religion without any ramifications. This experience reminds me of the
18 ramifications that my ancestors experienced and the rights they fought for, to pray and worship
19 in the manner that was taught to them by their ancestors. It is my prayer that my grandchildren
20 and their grandchildren will not have to experience – once again – the need to advocate for the
21 right to their religious beliefs and their relationship with Creator. In the event the Court
22 declares this complaint valid it will help alleviate my concerns.

23 23. The much larger question that has yet to be determined is the definition of religion,
24 culture, and property. Currently, the legal definitions of religion do not accommodate Native
25 American spiritual beliefs, values, and practices that a part of our day-to-day way of life and
26 are based upon European Christian values and norms. More fundamentally, I hope the Court
27 will recognize and protect the form of spirituality, rituals, and all that I and we consider

1 sacred that permeates in all aspects of our life and way of life.

2 24. The bottom-line is whether the results of this complaint will protect my practice of worship
3 in this spiritual community, so that my concerns no longer exist.

4 25. I request the Court to honor the laws related to religious freedom given to us as American
5 citizens, as the original people of these lands, and in fulfillment of the Prophecy of the Eagle
6 and the Condor.

7
8 I declare under the penalty of perjury pursuant to the laws of the United States, that the
statements made in this declaration are true and correct to the best of my recollection.

9
10 Executed this day of December ¹², 2022 at Tempe, Arizona.

11 *Belinda P. Eriacho*
Belinda P. Eriacho